

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of:	)	
	)	
SBC IP Communications, Inc. Petition	)	CC Docket No. 99-100
For Limited Waiver of Section 52.15(g)(2)(i)	)	
	)	
	)	

**COMMENTS OF THE IOWA UTILITIES BOARD**

**Introduction**

On July 16, 2004, the Federal Communications Commission (FCC) released a Public Notice in CC Docket No. 99-200. The FCC is seeking comment on SBC IP Communications, Inc.'s (SBCIP) request for a limited waiver of the Commission's numbering rules to allow it to obtain numbering resources directly from the North American Numbering Plan Administrator (NANPA) and/or the Pooling Administrator rather than using a third party with state certification. The numbering resources are intended for deploying IP-enabled services, including Voice over Internet Protocol (VoIP) services, on a commercial basis to residential and business customers.

**Discussion**

The Iowa Utilities Board does not support an expedited waiver. SBCIP and other VoIP providers already have access to telephone numbers and to the market. SBCIP describes one current method in its petition, that of partnering with a competitive LEC. Another method is by obtaining their own

state certificate of public convenience and necessity. Thus, a waiver is NOT necessary to bring these services to market and current regulation, FCC rule 52.15(g)(2)(i) is not a barrier to entry.

What SBCIP is seeking is to avoid “subject[ing] itself to the burdens of state common carrier regulation,” petition at page 8. However, there is no description of the alleged burdens and no analysis of whether these alleged burdens on carriers are justified by the public benefit. This broad policy question should be addressed in the pending rule making proceeding, not a limited waiver docket.

SBCIP claims a waiver would be consistent with the FCC’s numbering resource optimization goals. SBCIP states it will fully comply with all existing Commission numbering resource requirements, including the following:

- Compliance with Thousand-Block number Pooling Requirements.
- Number Resource Utilization/Forecast Reporting Requirements.
- Local Number Portability Requirements.
- Contribution to Numbering Administration Costs.<sup>1</sup>

There are at least three problems with this claim. First, SBCIP assumes thousands-block number pooling is generally available. However, this is not available in large parts of Iowa and other states with a substantial number of independent rural ILECs. Every time a VoIP carrier enters one of those rural exchanges, it would need a 10,000 block.

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<sup>1</sup> SBC IP Communications, Inc. *Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Access to Numbering Resources*, filed July 7, 2004, page 10.

Second, it would be wasteful to assign 10,000 blocks to VoIP carriers in small exchanges (for example, with 1,000 lines or less) so the carriers could serve only a handful of customers. VoIP is available only where broadband is available, which typically excludes the majority of rural customers in each exchange. Further, if the VoIP carriers are successful in avoiding common carrier status, they will be able to pick and choose customers and engage in cream-skimming at the expense of the existing ILEC, ultimately causing potential universal service fund problems.

Third, SBCIP claims its aforementioned "commitments" are adequate to meet the FCC's goals, but it appears that SBCIP is merely agreeing to comply with some, but not all, of the Commission's existing regulations. SBCIP should not be given credit for saying it will comply with the law.

For these reasons, an expedited waiver is inappropriate when the FCC has a pending docket (the IP-Enabled Services NPRM, WC Docket No. 04-36) to consider the same regulation. The FCC should deny SBCIP's request for limited or temporary waiver and focus its efforts on final rules.

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Respectfully submitted,

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